

MI

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY JHM D.C.

05 JUN 21 AM 11:48

UNITED STATES OF AMERICA,

Plaintiff,

VS.

THERON HICKS,

Defendant.

Docket No. 04-20060-M1

MOTION GRANTED

Reset to Friday,

August 12, 2005

at 9:00 AM

Jon P. McCalla
JON PHIPPS McCALLA
U.S. DISTRICT JUDGE

June 21 2005

DATE

MOTION TO RESET SENTENCING DATE

COMES NOW the Defendant, Theron Hicks, by and through appointed Counsel, Stephen A. Sauer, and files this Motion to Reset Sentencing Date.

The U.S. Probation Officer filed a Presentence Investigation Report which was inadvertently sent to defense counsel's old law office address. This resulted in a significant delay in defense counsel receiving a copy of the report and therefore, a delay in filing the Defendant's Objection's to that report. Since the filing of the Objections by defense counsel, the U.S. Probation Officer has filed a Corrected Face Sheet and Addendum to the Presentence Report which was received by defense counsel two days prior to the current sentencing date of June 22, 2005. Defense Counsel has not had enough time since receiving the Addendum to meet with his client to discuss the impact it will have at Sentencing. The Defendant therefore requests a continuance of the sentencing date to allow time to clarify the impact the Probation Officer's report will have on the Defendant's sentence.

Counsel has spoken to Assistant United States Attorney David Pritchard who joins in the

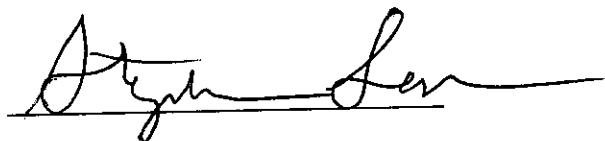
This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCrP on 16/22/05

22

request of defense counsel for additional time to review the facts of the Defendant's arrest subsequent to the instant offense to determine how that will impact the Guidelines at sentencing.

Wherefore, Defendant requests that the current sentencing date of June 22, 2005, be reset to allow for further time to investigate the impact the Probation Officer's report will have on the Defendant's sentence.

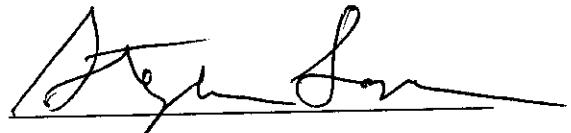
Respectfully submitted:



STEPHEN A. SAUER (015254)
Attorney for Defendant
8 South Third, Fourth Floor
Memphis, TN 38103
(901) 529-8500

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing document has been served upon Mr. David Pritchard, Assistant United States Attorney, at 167 North Main, Suite 800, Memphis, Tennessee 38103 and to Ms. Margaret Gibson, U.S. Probation Officer, 167 North Main, Suite 234, Memphis, TN 38103, via hand-delivery or by placing the same in the United States mail, postage prepaid, on this the 21st day of June, 2005.



STEPHEN A. SAUER



Notice of Distribution

This notice confirms a copy of the document docketed as number 72 in case 2:04-CR-20060 was distributed by fax, mail, or direct printing on June 22, 2005 to the parties listed.

David Pritchard
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Stephen A. Sauer
LAW OFFICE OF STEPHEN A. SAUER
8 S. Third St.
4th Floor
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT